*Serial No. 08/285,3__*

# IN THE UNITED STATES
# PATENT AND TRADEMARK OFFICE

## Patent Application

**Inventor(s):** Richard Alan Becker
Stephen Gregory Eick
Eileen O'Loughlin Miller
Allan R. Wilks

**Case:** 3-3-3-3Re.

**Serial No.:** 08/285,363          **Group Art Unit:** 2412

**Filed:** August 3, 1994

**Examiner:** P. Nguyen

**Title:** Dynamic Graphical Analysis of Network Data

## ASSISTANT COMMISSIONER FOR PATENTS
## WASHINGTON, D.C. 20231

SIR:

## AMENDED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent 5,136,690 and in Continuation Patent Application Serial No. 672,740 filed March 21, 1991, for which I solicit a reissue patent, the specification of which was filed on August 3, 1994, as application Serial No. 08/285,363.

I believe that the Letters Patent 5,136,690 referred to in my Continuation Patent Application Serial No. 672,740 filed March 21, 1991, which I hereby surrender, is partly inoperative or invalid as a result of my claiming more or less than I had a right to claim. Specifically, the claims are deficient in the following

ways: (a) Independent claims 2, 14 and 26 define the claimed invention in terms of displaying a line between a pair of nodes in which the line is "formed from at least two segments, each of said segments being indicative of a level quantifying the common, predetermined relationship that its associated node has with the other one of said nodes" forming the respective pair of nodes, whereas applicants' were further entitled to claim the invention with respect to "varying the thickness of said line" as the predetermined relationship varied" as is clearly indicated in applicants' specification which states that the "displayed links, or partial lines, could vary in thickness based on the data values associated with their respective nodes"; and (b) the dependent claims which depend from independent claims 2 and 14 further define the claimed invention in terms of different tools but do not include a "slider bar" tool, whereas applicants' were further entitled to claim the invention with respect to "slider bars" operative by the user for "defining first and second thresholds defining a range of thresholds to control" the display of "said symbols" and of erasing those symbols whose data values are not within the threshold established by the slider bars, as is also clearly stated in applicants' specification and particularly shown in the Figures.

That to adequately protect the invention, amended claims 33 through 38 should be added as indicated in the reissue application.

The above-described insufficiencies and limitations occurred by my mistake through inadvertence, without deceptive intent on my part, at the time that the original patent application was prepared and was being prosecuted as a result of my error in not realizing or contemplating that the invention was not properly recited in the claims. That is, that I failed to indicate in the original claims the aspect of "varying the thickness of said line as the predetermined relationship between a respective pair of symbols varies", as is now set forth in, for example, newly added claim 33, or the aspect of "displaying on said display a threshold tool having first and second slider bars operative by a user .... for

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establishing first and second thresholds ..." as is set forth in, for example, newly added claim 36, in order to adequately protect my invention.

That the above-described insufficiencies occurred without deceptive intent on my part at the time that the original application was being prepared as a result of not realizing that I was entitled to claims of the breath of claims 33 through 38 and that these insufficiencies were discovered by coinventor Stephen G. Eick, in early 1994, in connection with a review of the aforementioned patent. Coinventor Stephen G. Eick then contacted our legal Counsel, Frederick B. Luludis, by telephone to discuss the scope of the original claims. In particular, during the telephone call, Coinventor Stephen G. Eick and Counsel discussed the scope of coverage and applicability of the original claims to varying the thickness of a line representing a node and the slider bars to set various threshold values. Thus, the important advantage of varying the thickness of a line representing a node and the display of slider bars to set various thresholds were not properly covered by the original claims.

The Examiner noted additional errors in the claims in his Office Action dated May 22, 1995 (Paper No. 5). In the Office Action the Examiner indicated that original claims 1-32 were allowable and that claims 33-38 would be allowable if rewritten to overcome the objection under 35 U.S.C. 112. Added claims 33 through 38 were thus amended (applicants' response of August 22, 1995) to overcome the Examiner's rejection under 35 U.S.C. 112, second paragraph. It is my understanding that applicants' amendment of August 22, 1995 was not entered as noted in the Office Action dated January 9, 1997. Accordingly, applicants' have amended claims 33 through 38 as shown in the accompanying amendment. Claims 33 through 38 now read as follows:

33. A method of displaying graphics on a computer having a display comprising the steps of

displaying on said display a plurality of symbols grouped into pairs of symbols based on a predetermined relationship between the symbols forming a respective pair,

displaying a line between the symbols forming each of said pairs of symbols to represent the predetermined relationship between the pair of symbols, and

varying the thickness of said line as the predetermined relationship between a respective pair of symbols varies.

New claim 33 includes the element of varying the thickness of a line, which element was improperly omitted from the original claims. Thus, new claim 33, to some extent, corrects that omission and also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5.

34. A method of displaying graphics on a computer having a display comprising the steps of

responsive to a request entered by a user for displaying on said display at least one pair of symbols having a predetermined relationship with one another and being respective sources of data, and

displaying on said display a line between the symbols forming said at least one pair of symbols and varying the thickness of said line to reflect a corresponding change in said predetermined relationship.

New claim 34 also includes the element of varying the thickness of a line that was improperly omitted from the original claims, and, therefore, corrects that omission to some extent. New claim 34, as now amended, also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5

35. The arrangement set forth in claim 14 wherein said displayed threshold tool includes first and second slider bars operative by said user for establishing first and second thresholds defining a range of thresholds such that the half lines associated with data values that are not within said range are erased from said display.

New claim 35 depends from original claim 14 and recites that the threshold tool includes sliders bars. The recitation of slider bars to establish respective thresholds was improperly omitted from the original claims. New claim 35 corrects that omission and also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5.

36. A dynamic graphics arrangement for use in a computer having a display comprising

means for displaying on said display a plurality of symbols representing respective data values, and

means for displaying on said display a threshold tool having first and second slider bars operative by a user of said computer for establishing first and second thresholds defining a range of data thresholds to control, as a function of said range of thresholds and the data values respectively associated with said symbols, the display of said symbols.

New claim 36 is directed to displaying first and second slider bars forming a threshold tool. A user may operate the displayed slider bars to control the range of data that is displayed on the display. These elements of my invention were also improperly omitted from the original claims. New claim 36 corrects that omission and also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5.

37. The arrangement of claim 36 wherein said control includes erasing from said display the symbols associated with data values not within said range.

New claim 37 is directed to an additional element that was also improperly omitted from the original claims in the context of new claim 36. New claim 37 corrects that omission and also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5.

38. A dynamics graphics arrangement for use in a computer having a display comprising

means for displaying on said display a plurality of symbols representing respective data values,

means for displaying on said display at least one tool operative by a user of said computer to restrict the display of said symbols to only the symbols representing data values which meet a data criteria established by said user interacting with said displayed tool, and

means, responsive to said user interacting with said displayed tool, for dynamically updating said display so that only the symbols representing data values meeting the data criteria currently established as a result of said user interacting with said displayed tool are displayed on said display.

New independent claim 38 recites the element of displaying a threshold tool that a user may operate to restrict the display of symbols representing data values that meet a data criteria established by such operation was also improperly omitted from the original claims. New claim 38 corrects that omission and also overcomes the additional objections under 35 U.S.C. 112, second paragraph, noted in paper No. 5.

Upon verifying the insufficiencies and limitations as noted above, my counsel took steps to have authorized and to have prepared the application for reissue. My counsel also took steps to amend this declaration and the claims in response to the Examiner's rejection of new claims 33 through 38 in the aforementioned Office Action dated May 22, 1995 (paper No. 5) in this reissue application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56. I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:
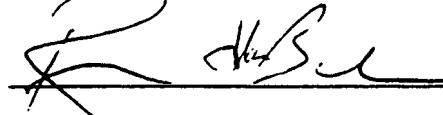
None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Ronald D. Slusky (Reg. No. 26585) and Frederick B. Luludis (Reg. No. 26299) severally our attorney(s), with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

It is respectfully requested that all written communications from the Patent and Trademark Office in connection with this application be addressed to Mr. Ronald D. Slusky., Lucent Technologies Inc., 600 Mountain Avenue, Murray Hill, New Jersey 07974-2070. Telephone calls should be made to Mr. Luludis at (908) 949-6008.

Full name of 1st joint inventor: Richard Alan Becker

Inventor's signature _____ Date 4/3/97

Residence: Mendham Township, Morris County, New Jersey

Citizenship: United States of America

Post Office Address:    11 Washington Valley Road
                        Mendham Township, New Jersey 07960

Full name of 2nd joint inventor:  Stephen G. Eick

Inventor's signature _____ Date __3/31/97__

Residence:  Naperville, DuPage County, Illinois

Citizenship:  United States of America

Post Office Address:  1413 Durness Court
Naperville, Illinois 60565

Full name of 3rd joint inventor: Eileen O'Loughlin Miller

Inventor's signature _____ Date __April 10, 1997__

Residence:  Short Hills, Essex County, New Jersey

Citizenship:  United States of America

Post Office Address:  20 Park Road
Short Hills, New Jersey  07078

Full name of 4th joint inventor: Allan R. Wilks

Inventor's signature _____ Date __3 Apr 97__

Residence:  Scotch Plains, Union County, New Jersey

Citizenship:  Canada

Post Office Address:  424 Ridgeview Avenue
Scotch Plains, New Jersey  07076

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